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IMPLEMENTATION OF THE PROVISIONS OF THE CHARTER OF THE UNITED NATIONS RELATED TO ASSISTANCE TO THIRD STATES AFFECTED BY THE APPLICATION OF SANCTIONS UNDER CHAPTER VII OF THE CHARTER

Working paper* submitted by Bangladesh, Bulgaria, Lebanon, Philippines, Romania, Seychelles, Uruguay and Viet Nam

1. In today's conditions of economic interdependence, the implementation of comprehensive economic sanctions by third States may place an extremely heavy burden on their economies.

2. The imposition of sanctions against a State under Chapter VII of the Charter of the United Nations may require the joint efforts of Member States to offer assistance to third States economically affected by the sanctions. This assistance can also be considered as ancillary, strengthening and further ensuring the cooperation in the application of measures against an offender State.

3. All provisions of Chapter VII are of equal value and importance for the effective carrying out of preventive or enforcement measures envisaged therein. These provisions should be interpreted and implemented in their entirety.

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* The present working paper is of a preliminary nature and is intended to initiate further consideration of this item with the participation of all interested delegations in order to come to generally agreed specific conclusions.

4. Article 49 of the Charter of the United Nations spells out the obligation of the Member States to join in affording mutual assistance in carrying out measures decided upon by the Security Council in conformity with Chapter VII of the Charter.

5. Article 50 of the Charter entitles States which find themselves confronted with special economic problems as a result of the carrying out of preventive or enforcement measures taken by the Security Council against any other State, to consult the Council with regard to a solution of those problems.

6. Recently, with respect to the sanctions imposed by the Security Council in resolution 661 (1990), requests were made to the Security Council by 21 States Members of the Organization pursuant to Article 50, aiming at the provision of assistance to those States in order to mitigate the adverse economic and social problems confronted by them.

7. In response to those requests, the Security Council Committee established by resolution 661 (1990) adopted recommendations to the President of the Security Council (see S/22021). Under paragraph 3 of the recommendations, the Committee appealed to all States on an urgent basis to provide immediate economic assistance to the applicant States. Under paragraph 4 the Committee invited the competent organs and specialized agencies of the United Nations system to review their programmes of assistance to the applicant States.

8. As stated in the memorandum submitted by those 21 States (S/22382), "the problems affecting these countries persist, and in certain respects have been aggravated, while the appeals launched pursuant to the recommendations of the Security Council Committee and addressed to all concerned by the Secretary-General, have not evoked responses commensurate with the urgent needs of the affected countries. Assistance to the affected countries in accordance with Article 50 of the Charter would reaffirm international solidarity and unity."

9. In response to the above-mentioned requests, the President of the Security Council issued a statement (S/22548), in which the members of the Council made "a solemn appeal to States, international financial institutions and United Nations bodies to respond positively and speedily to the recommendations of the Security Council Committee, established under resolution 661 (1991), for assistance to countries which find themselves confronted with special economic problems arising from the carrying out of those measures imposed by resolution 661 (1991) and which have invoked Article 50."

10. The lack of adequate arrangements and procedures for the implementation of Articles 49 and 50, as well as of the decisions of the Security Council taken in conformity with the provisions of those Articles, does not facilitate and even may prevent the solution of problems, as envisaged therein. The concerns and special economic problems of the applicant States, as stated in the above-mentioned memorandum, remain unsettled until now.

11. The Secretary-General, in his Report on the Work of the Organization, 1/ has put forward the need for supplementing Article 50 of the Charter by appropriate agreements creating obligations to assist concretely third States affected by the implementation of sanctions imposed upon a State in breach of its obligations under the Charter.

12. This issue warrants urgent consideration aimed at bringing about the proper application of Articles 49 and 50 of the Charter, which in turn would enhance the implementation of Chapter VII of the Charter. The institutionalization of mechanisms for responding quickly to requests for assistance in such situations would mitigate the adverse economic and social problems confronted by them and strengthen the cooperation among States in the implementation of sanctions. To this end, it is necessary to elaborate appropriate arrangements for ensuring the provision of such assistance.

Notes

1/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 1 (A/46/1).